

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

Tierney McCracken

Plaintiff

§

§

v.

§

Cause No. A06-CA970-LY

Michael M. Barron and Barron,
Adler & Anderson, L.L.P.

Defendants

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§

SCHEDULING ORDER

Pursuant to Rule 16, Federal Rules of Civil Procedure, the Court issues the following scheduling order.

IT IS ORDERED THAT:

1. A report on alternative dispute resolution in compliance with Local Rule CV-88 shall be filed on or before **APRIL 30, 2007**.
2. The parties asserting claims for relief shall submit a written offer of settlement to opposing parties on or before **MAY 15, 2007**, and each opposing party shall respond, in writing, on or before **MAY 31, 2007**. All offers of settlement are to be private, not filed, and the Court is not to be advised of the same. The parties are further **ORDERED** to retain the written offers of settlement and responses as the Court will use these in assessing attorney's fees and court costs at the conclusion of trial.
3. The parties shall file all amended or supplemental pleadings and shall join additional parties on or before **OCTOBER 15, 2007**.
4. All parties asserting claims for relief shall file and serve on all other parties their designation of potential witnesses, testifying experts, and proposed exhibits, and shall serve on all other parties, but not file, the materials required by Federal Rule of Civil Procedure 26(a)(2)(B) on or before **DECEMBER 21, 2007**. Parties resisting claims for relief shall file and serve on all other parties their designations of potential witnesses, testifying experts, and proposed exhibits, and shall serve on all other parties, but not file, the materials required by Federal Rule of Civil Procedure 26(a)(2)(B) on or before **MARCH 21, 2008**. All

designations of rebuttal experts shall be filed and served on all other parties within fifteen (15) days of receipt of the report of the opposing expert, and the materials required by Federal Rule of Civil Procedure 26(a)(2)(B) for such rebuttal experts, to the extent not already served, shall be served, but not filed, on all other parties within fifteen (15) days of receipt of the report of the opposing expert.

5. An objection to the reliability of an expert's proposed testimony under Federal Rule of Evidence 702 shall be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony, within eleven (11) days of receipt of the written report of the expert's proposed testimony or within eleven (11) days of the expert's deposition, if a deposition is taken, whichever is later. **The failure to strictly comply with this paragraph will be deemed a waiver of any objection that could have been made pursuant to Federal Rule of Evidence 702.**

6. The parties shall complete discovery on or before **MAY 12, 2008**. Counsel may, by agreement, continue discovery beyond the deadline, but there will be no intervention by the Court except in extraordinary circumstances, and no trial setting will be vacated because of information obtained in post-deadline discovery.

7. All dispositive motions shall be filed and served on all other parties on or before MAY 30, 2008 and shall be limited to twenty (20) pages. Responses shall be filed and served on all other parties within eleven (11) days of the service of the motion and shall be limited to twenty (20) pages. Any replies shall be filed and served on all other parties within eleven (11) days of the service of the response and shall be limited to ten (10) pages, but the Court need not wait for the reply before ruling on the motion.

The parties shall not complete the following paragraph 8. It will be completed by the Court at the initial pretrial conference to be scheduled by the Court.

8. This case is set for final pretrial conference, in chambers, on the _____ day of _____, 20____, at _____ and _____ trial in the month of _____, 20____. The final pretrial conference shall be attended by at least one of the attorneys who will conduct the trial for each of the parties and by any unrepresented parties. The parties should consult Local Rule CV-16(e) regarding matters to be filed in advance of the final pretrial conference.

SIGNED this _____ day of _____, 2007.

LEE YEAKEL
UNITED STATES DISTRICT JUDGE

AGREED:

GARY F. DESHAZO & ASSOCIATES

Gary F. DeShazo
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Austin, Texas 78701

WINSTEAD PC

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By: _____

Gary F. DeShazo
Attorney for Plaintiff

By: 
Gary E. Zausmer
Attorney for Defendant Michael M. Barron

WRIGHT & GREENHILL, P.C.

221 West 6th Street, Suite 1800
Austin, Texas 78701

By: _____

Mark Rogstad
Attorney for Michael M. Barron and Barron,
Adler & Anderson, L.L.P.

SIGNED this _____ day of _____, 2007.

LEE YEAKEL
UNITED STATES DISTRICT JUDGE

AGREED:

GARY F. DESHAZO & ASSOCIATES

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JENKENS & GILCHRIST

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PLEASE CALL JANICE JONES IF YOU HAVE QUESTIONS: (512) 416-6296, ext. 234